
By: **Delegates Zirkin and Morhaim**
Introduced and read first time: February 6, 2003
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Central Registry - Exception**

3 FOR the purpose of prohibiting a central registry maintained by Department of
4 Human Resources of information regarding child abuse or neglect investigations
5 from including the identity of an individual related to an investigation of neglect
6 or found responsible for neglect under certain circumstances; and generally
7 relating to the central registry.

8 BY repealing and reenacting, with amendments,
9 Article - Family Law
10 Section 5-714
11 Annotated Code of Maryland
12 (1999 Replacement Volume and 2002 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Family Law**

16 5-714.

17 (a) The Social Services Administration and each local department may
18 maintain a central registry of cases reported under this subtitle.

19 (b) (1) The respective local departments throughout this State shall provide
20 the information for a central registry.

21 (2) Except for identifying information authorized under subsection (d) of
22 this section, a central registry may not include information from a local department
23 case file until any individual found responsible for indicated or unsubstantiated child
24 abuse or neglect has:

25 (i) been found guilty of any criminal charge arising from the
26 alleged abuse or neglect;

1 (ii) unsuccessfully appealed the finding in accordance with the
2 procedures established under § 5-706.1 of this subtitle; or

3 (iii) failed to exercise the appeal rights within the time frames
4 specified in § 5-706.1 of this subtitle, Title 10, Subtitle 2 of the State Government
5 Article, or the Maryland Rules.

6 (c) The information in a central registry shall be at the disposal of:

7 (1) the protective services staff of the Social Services Administration;

8 (2) the protective services staffs of local departments who are
9 investigating a report of suspected abuse or neglect; and

10 (3) law enforcement personnel who are investigating a report of
11 suspected abuse or neglect.

12 (d) (1) Except as provided in paragraph (2) of this subsection, and subject to
13 subsection (e) of this section, a central registry may contain identifying information
14 related to an investigation of abuse or neglect.

15 (2) A central registry may not contain identifying information related to
16 an investigation of abuse or neglect if:

17 (i) abuse or neglect has been ruled out; or

18 (ii) the abuse or neglect finding has been expunged in accordance
19 with § 5-707(b)(1) of this subtitle.

20 (e) (1) The Department or a local department may identify an individual as
21 responsible for abuse or neglect in a central registry only if the individual:

22 (i) has been found guilty of any criminal charge arising out of the
23 alleged abuse or neglect; or

24 (ii) has been found responsible for indicated abuse or neglect and
25 has:

26 1. unsuccessfully appealed the finding in accordance with
27 the procedures established under § 5-706.1 of this subtitle; or

28 2. failed to exercise the individual's appeal rights within the
29 time frames specified in § 5-706.1 of this subtitle, Title 10, Subtitle 2 of the State
30 Government Article, or the Maryland Rules.

31 (2) The Department without the necessity of a request shall remove from
32 the name of an individual described in paragraph (1) of this subsection the
33 identification of that individual as responsible for abuse or neglect if no entry has
34 been made for that individual for 7 years after the entry of the individual's name in a
35 registry.

1 (f) (1) Except for information entered in accordance with subsection (e) of
2 this section, information in a central registry may not be used as a sole basis for
3 responding to any request for background information for employment or voluntary
4 service.

5 (2) An official or employee of the Department or a local department who
6 releases information from a central registry in violation of paragraph (1) of this
7 subsection is subject to the penalty provided in Article 88A, § 6(e) of the Code.

8 (G) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE CENTRAL
9 REGISTRY MAY NOT INCLUDE THE IDENTITY OF AN INDIVIDUAL RELATED TO AN
10 INVESTIGATION OF NEGLECT OR FOUND RESPONSIBLE FOR NEGLECT WHEN:

11 (1) A CHILD HAS BEEN RELEASED FROM A HOSPITAL OR OTHER
12 FACILITY;

13 (2) THE CHILD HAS BEEN DIAGNOSED WITH A MENTAL DISORDER OR
14 DEVELOPMENTAL DISABILITY; AND

15 (3) THE INDIVIDUAL HAS FAILED TO TAKE THE CHILD HOME DUE TO A
16 REASONABLE FEAR FOR THE SAFETY OF THE CHILD OR CHILD'S FAMILY.

17 [(g)] (H) The Secretary of Human Resources:

18 (1) shall adopt regulations necessary to protect the rights of individuals
19 suspected of abuse or neglect; and

20 (2) may adopt regulations to implement the provisions of this section.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2003.